



S-356
online

ORDINANCE NUMBER 2853

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW FOR A RETAIL/RESTAURANT BUILDING WITH DRIVE-THROUGH WINDOW, AND CONCEPTUAL SITE PLAN, LOCATED AT THE NORTHWEST CORNER OF MIDWAY ROAD AND ALPHA ROAD AND WITHIN THE PLANNED DEVELOPMENT NUMBER 64 (PD-64) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a specific use permit to allow for a retail/restaurant building with drive-through window located at the northwest corner of Midway Road and Alpha Road and within Planned Development Number 64 (PD-64) zoning district (hereinafter the "Property"), for the 1.3692 acres to be replatted as a portion of the 3.833 acres as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development Number 64 (PD-64) zoning district and in accordance with the approved site plan (including associated conceptual site plan) attached as Exhibit "C." All exhibits attached hereto are incorporated herein by reference.

SECTION 4. That the specific use permit and associated site plan, and conceptual site plan, attached hereto as Exhibit "C" is approved with the following conditions:

1. The subject property shall be replatted, including the dedication of fire lanes, utility and public access easements, prior to issuance of a building permit.
2. A photometric plan shall be provided and approved by staff prior to issuance of a building permit.

3. Location of transformers and switchgear and associated screening shall be provided and subject to staff approval prior to issuance of a building permit.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

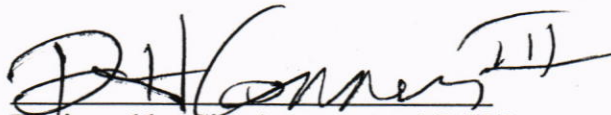
SECTION 8. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, on this the 6th day of February, 2005.

APPROVED:


Mayor

APPROVED AS TO FORM:


Reviewed by City Attorney on 1/24/06

ATTEST:

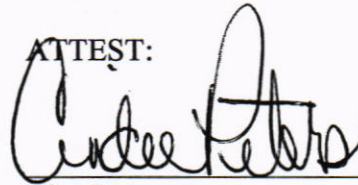

City Secretary

Exhibit A – Legal Description

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

BEING all that certain lot, tract or parcel of land situated in the Noah Good Survey, Abstract No. 520, City of Farmers Branch, Dallas County, Texas, and being all of Lot 2, Block 'A' of Prairie Crossing Addition, an addition to the City of Farmers Branch as recorded in Volume _____, Page _____, of the Map Records Dallas County, Texas and being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8" iron rod found at the intersection of the westerly right-of-way line of Midway Road (variable width right-of-way) and the northerly right-of-way line of Alpha Road (80 foot right-of-way), also being the northeasterly corner of a corner clip at the Southeast corner of said Lot 2;

THENCE along the northerly right-of-way line of Alpha Road and the southerly line of said Lot 2 as follows:

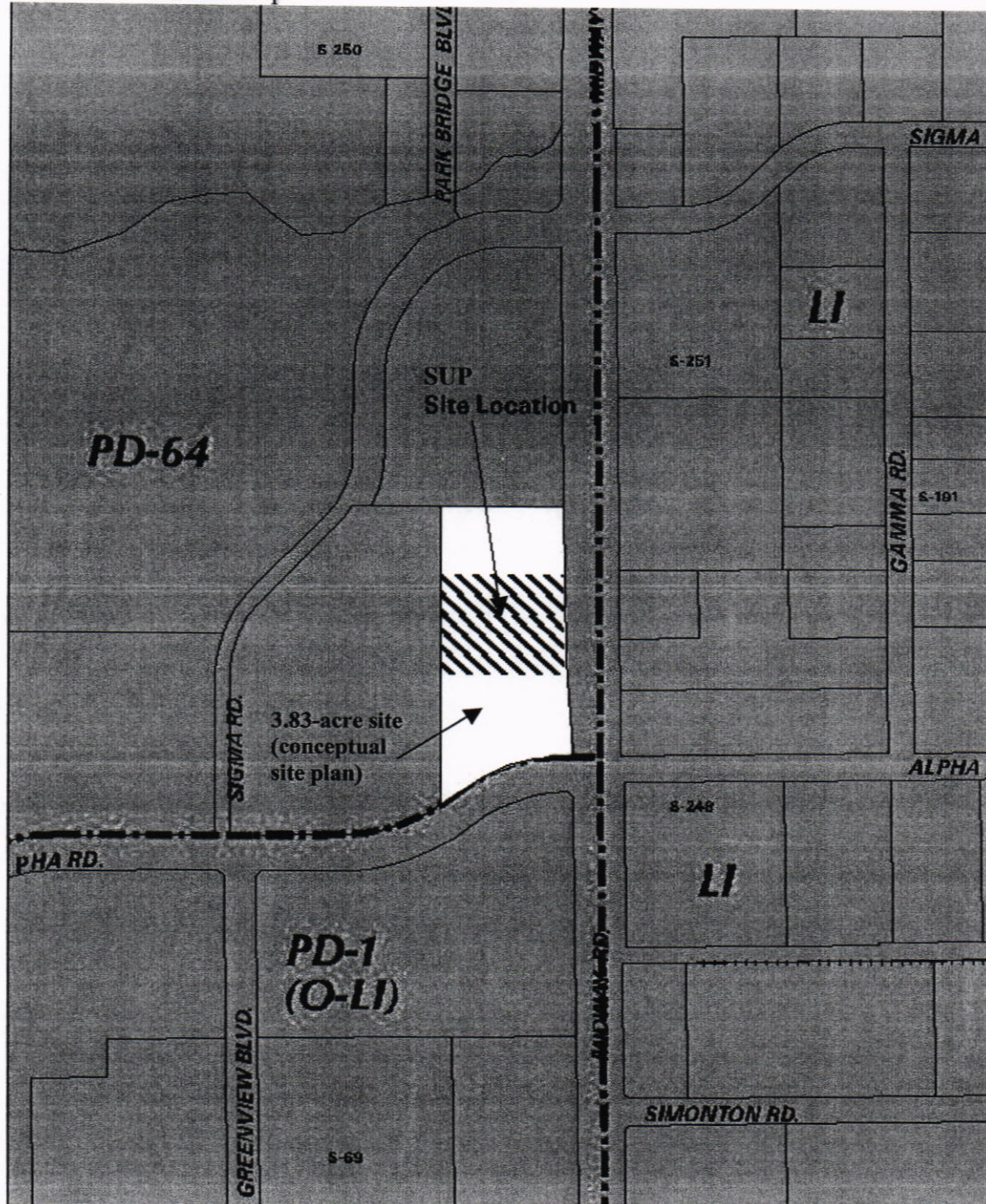
- (1) South 45° 07' 22" West for a distance of 18.36 feet to a 5/8" iron rod found for corner;
- (2) South 89° 44' 29" West for a distance of 2.32 feet to a 5/8" iron rod found for corner at the beginning of a curve to the left having a radius of 449.30 feet, a central angle of 34° 59' 45" and a chord bearing South 72° 14' 37" West a distance of 270.18 feet;
- (3) Along said curve to the left an arc distance of 274.43 feet to a 5/8" iron rod found for corner;

THENCE North 00° 03' 48" West, departing the northerly right-of-way line of Alpha Road and the southerly line of said Lot 2 for a distance of 669.71 feet to a 5/8" iron rod found for corner on a southerly line of a 6.28 acre tract of land as described to Holding Midway Property Associates, L.P, in Special Warranty Deed recorded in Volume 2003257, Page 10116, of the Deed Records of Dallas County, Texas;

THENCE along the southerly line of said 6.28 acre tract, North 89° 56' 12" East for a distance of 212.74 feet to a 5/8" iron rod found for corner on the westerly right-of-way line of said Midway Road, also being a point on the easterly line of said Lot 2;

THENCE South 00° 03' 48" East (Basis of Bearings per plat of ExxonMobil Addition recorded in Volume 2001198 at Page 00030 of the Plat Records of Dallas County, Texas) along the westerly right-of-way line of said Midway Road and the easterly line of said Lot 2 a distance of 574.65 feet to the POINT OF BEGINNING and containing 3.833 acres of land, more or less.

Exhibit B – Locator Map



SITE PLAN / SUP PLANS FOR

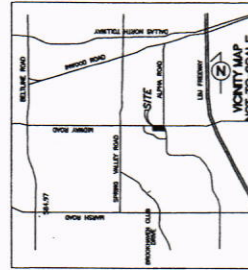
MIDWAY / ALPHA RETAIL CENTER

LOT 2, BLOCK A
MIDWAY / ALPHA RETAIL CENTER ADDITION
CITY OF FARMERS BRANCH, TEXAS

DIRECT OWNER:
CENTRAL ENTERPRISE, SUITE 1575
8150 N. CENTRAL EXPRESSWAY
DALLAS, TEXAS 75206
TEL: (214) 891-3223
FAX: (214) 891-3223
CONTACT: MARK HENDERSON

PROJECT ARCHITECT:
JOHNSON ARCHITECTS, SUITE 1250
8550 N. CENTRAL EXPRESSWAY
DALLAS, TEXAS 75206
TEL: (214) 891-3223
FAX: (214) 739-8340
CONTACT: GARY JOHNSON

CIVIL ENGINEER:
LAWRENCE A. GATES & ASSOCIATES, LLP,
14500 GILBERT DRIVE, SUITE 200
DALLAS, TEXAS 75244
CONTACT: BRYAN M. BURGER, P.E.
(972) 386-2272
FAX: (972) 850-1827



LOCATION MAP
N.T.S.

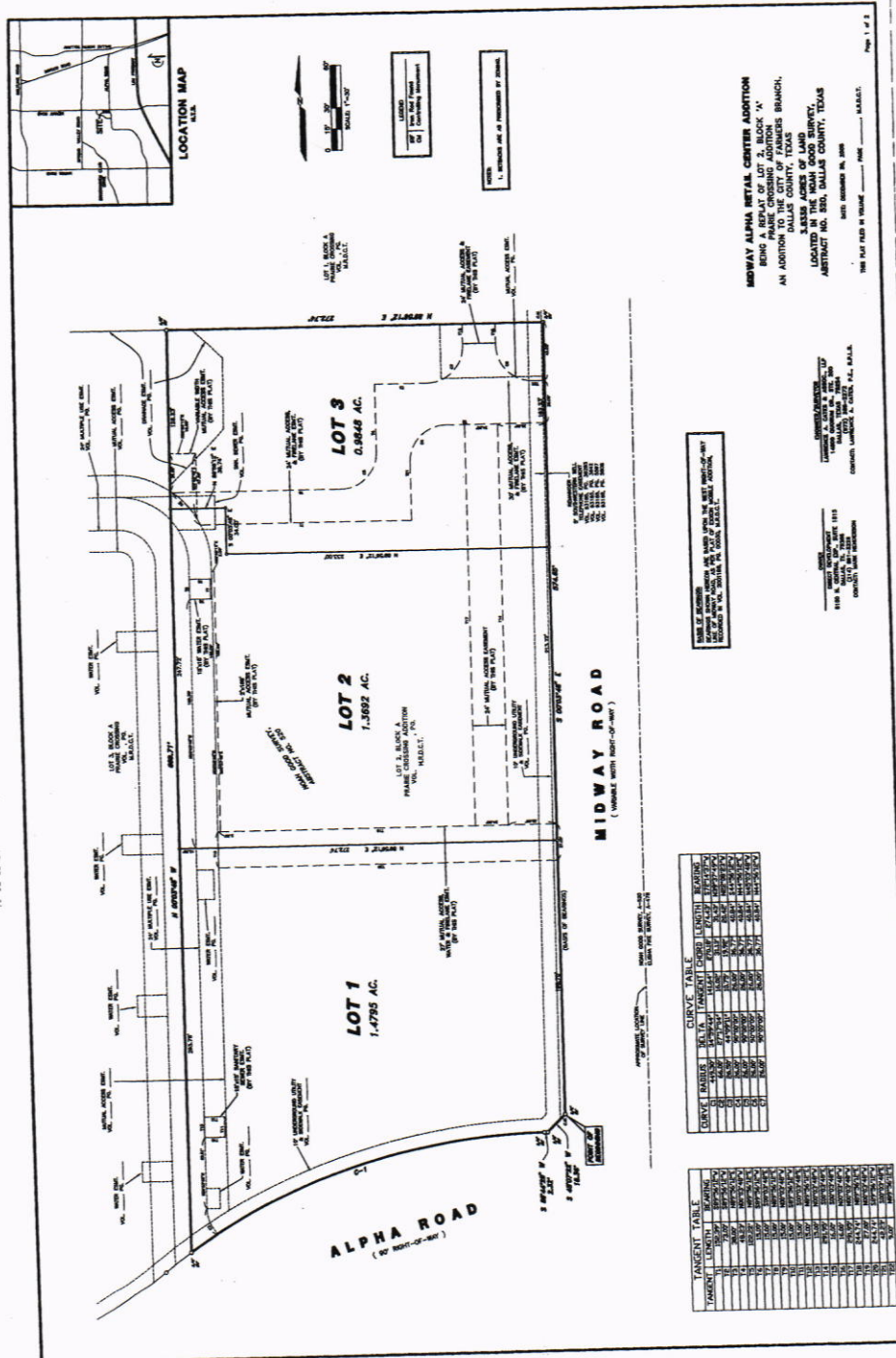
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24123 MIDWAY - ALPHA RETAIL CENTER, CITY OF FARMERS BRANCH, TEXAS

Exhibit C – Site Plan (continued)



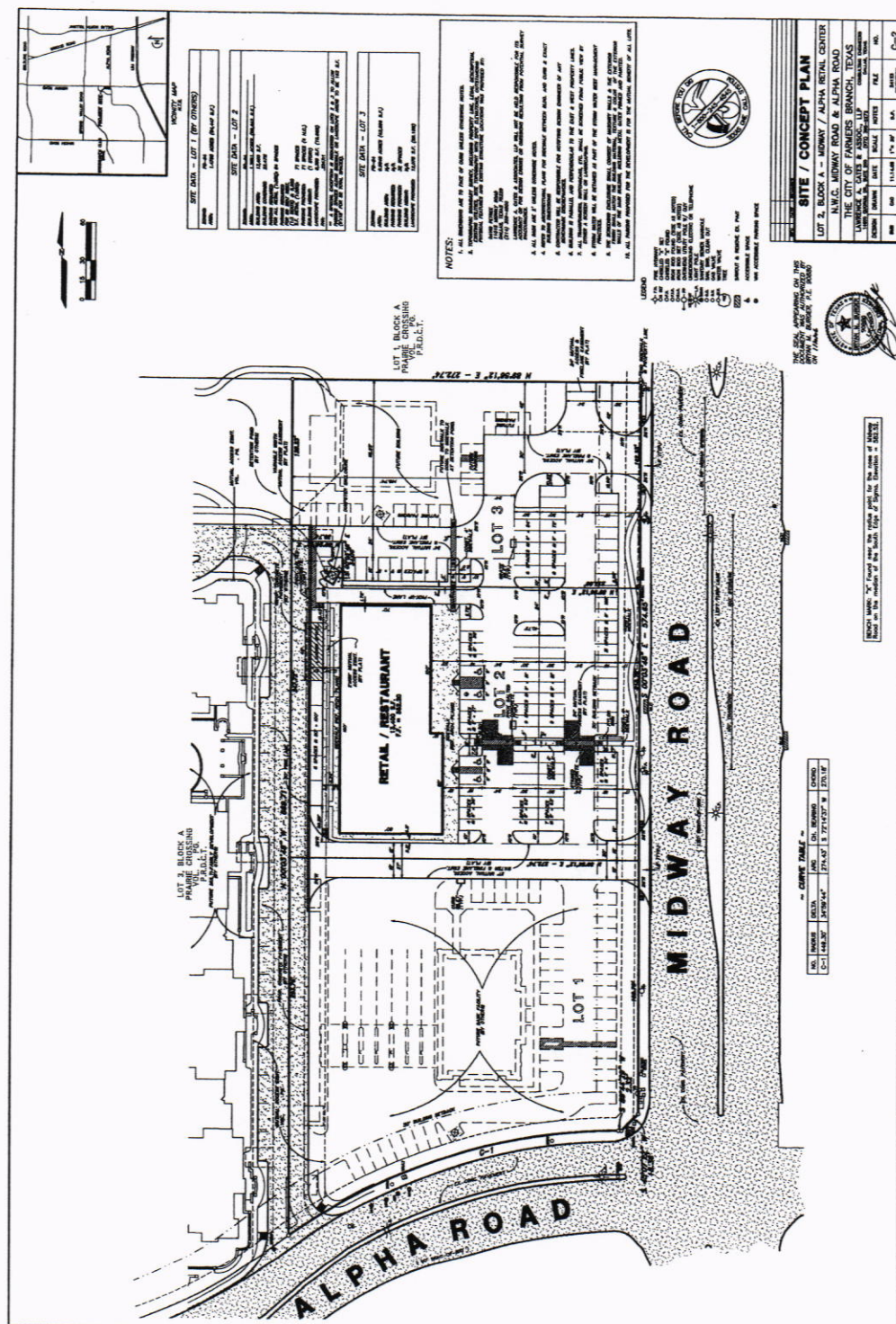


Exhibit C – Site Plan (continued)

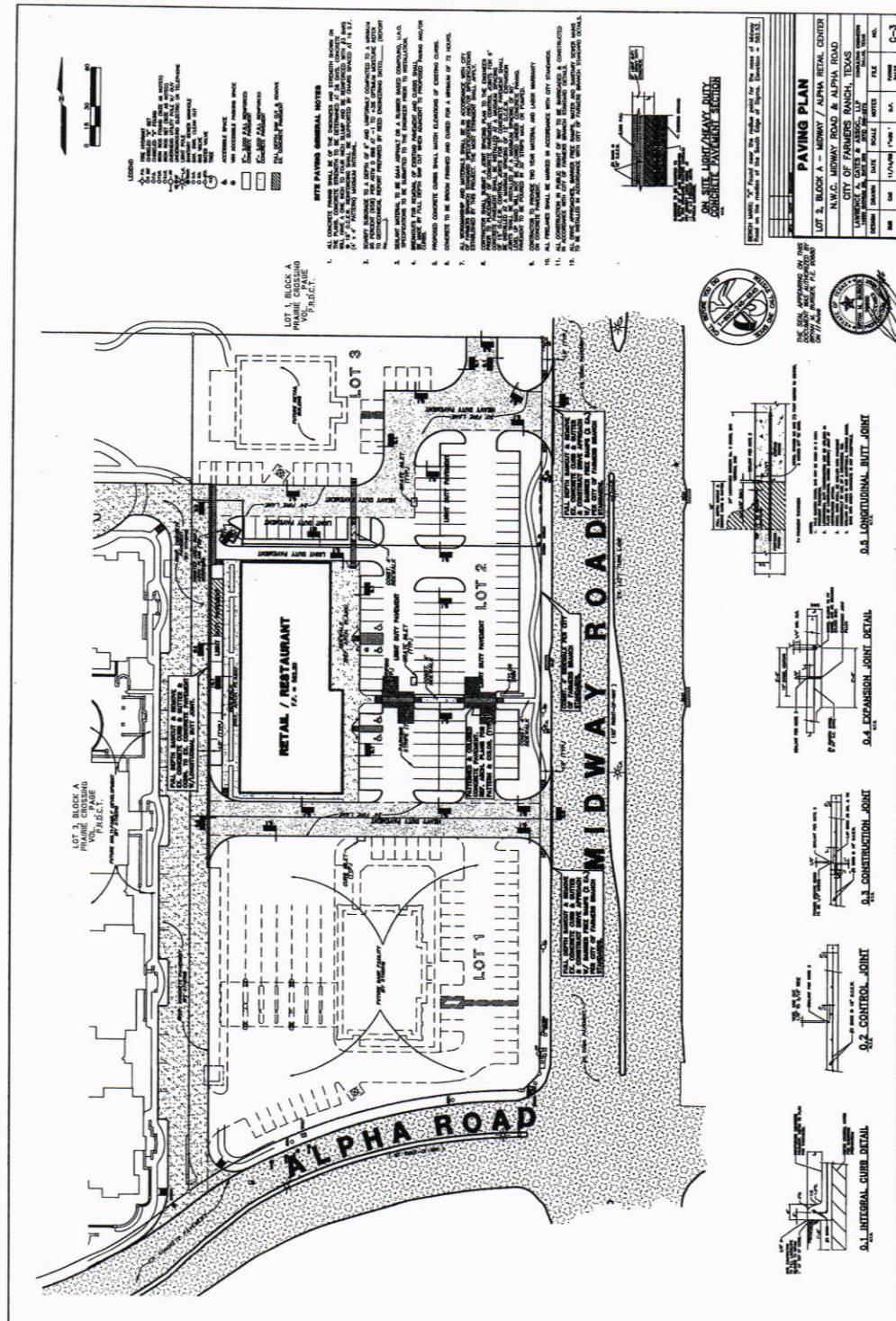


Exhibit C – Site Plan (continued)

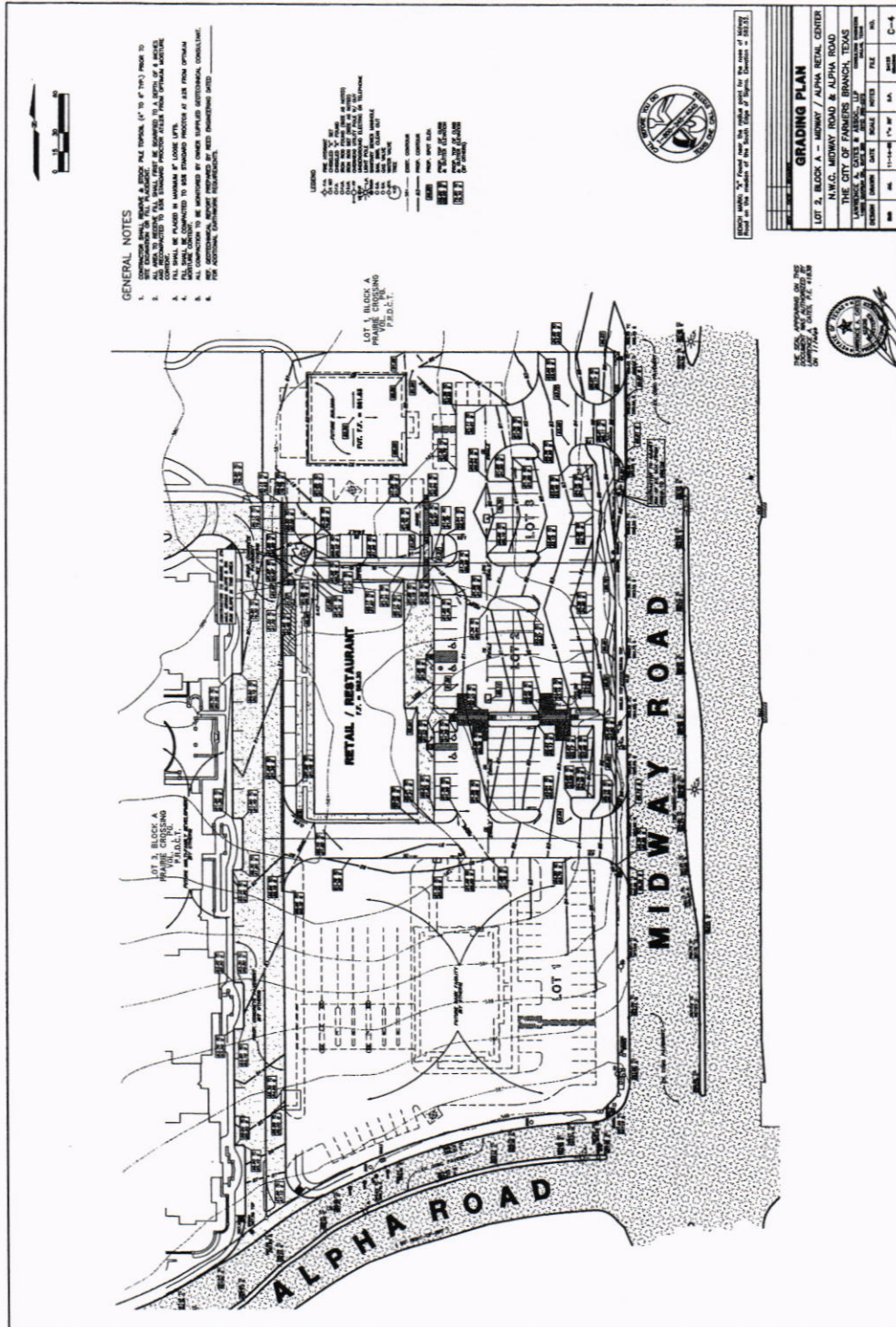
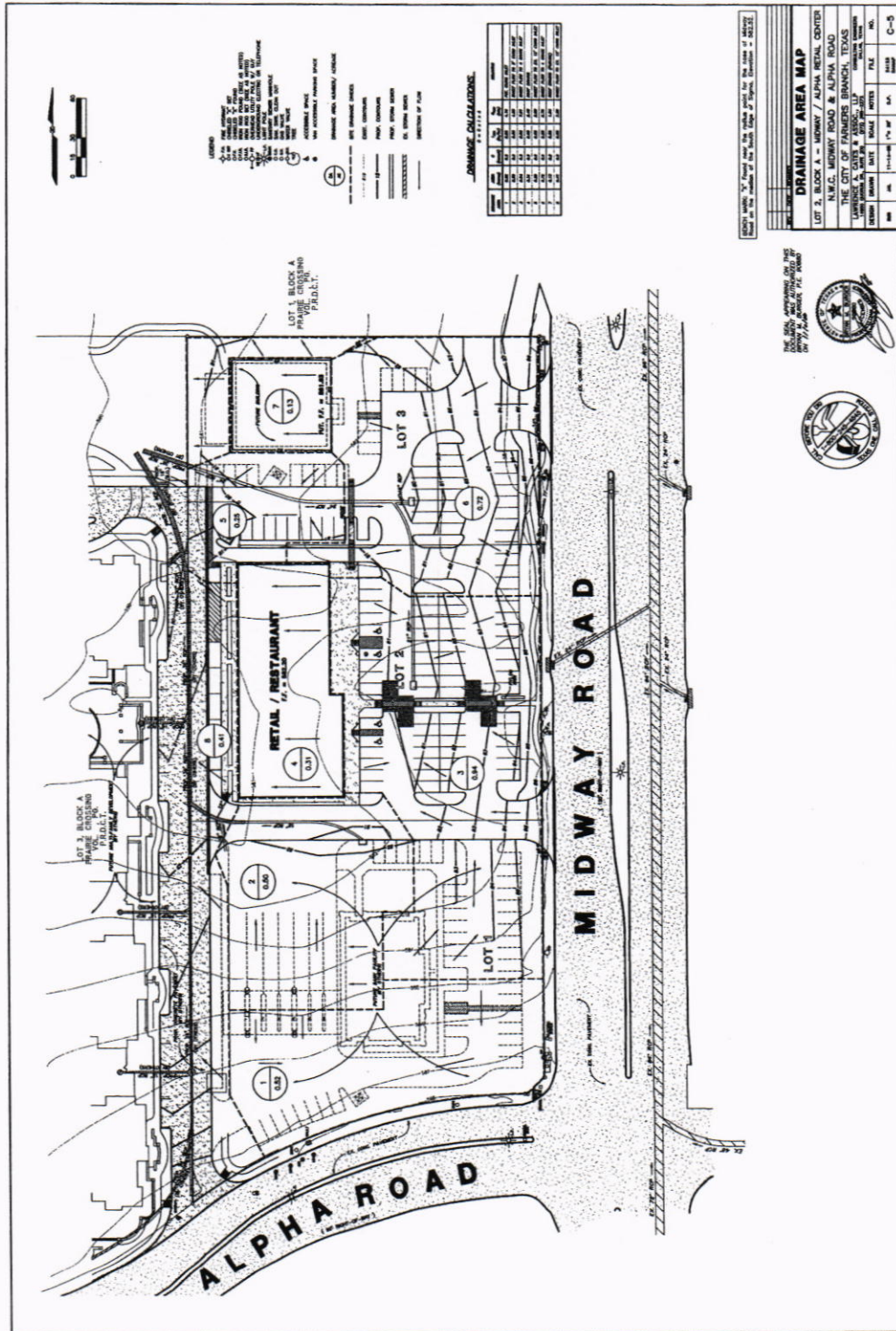


Exhibit C – Site Plan (continued)



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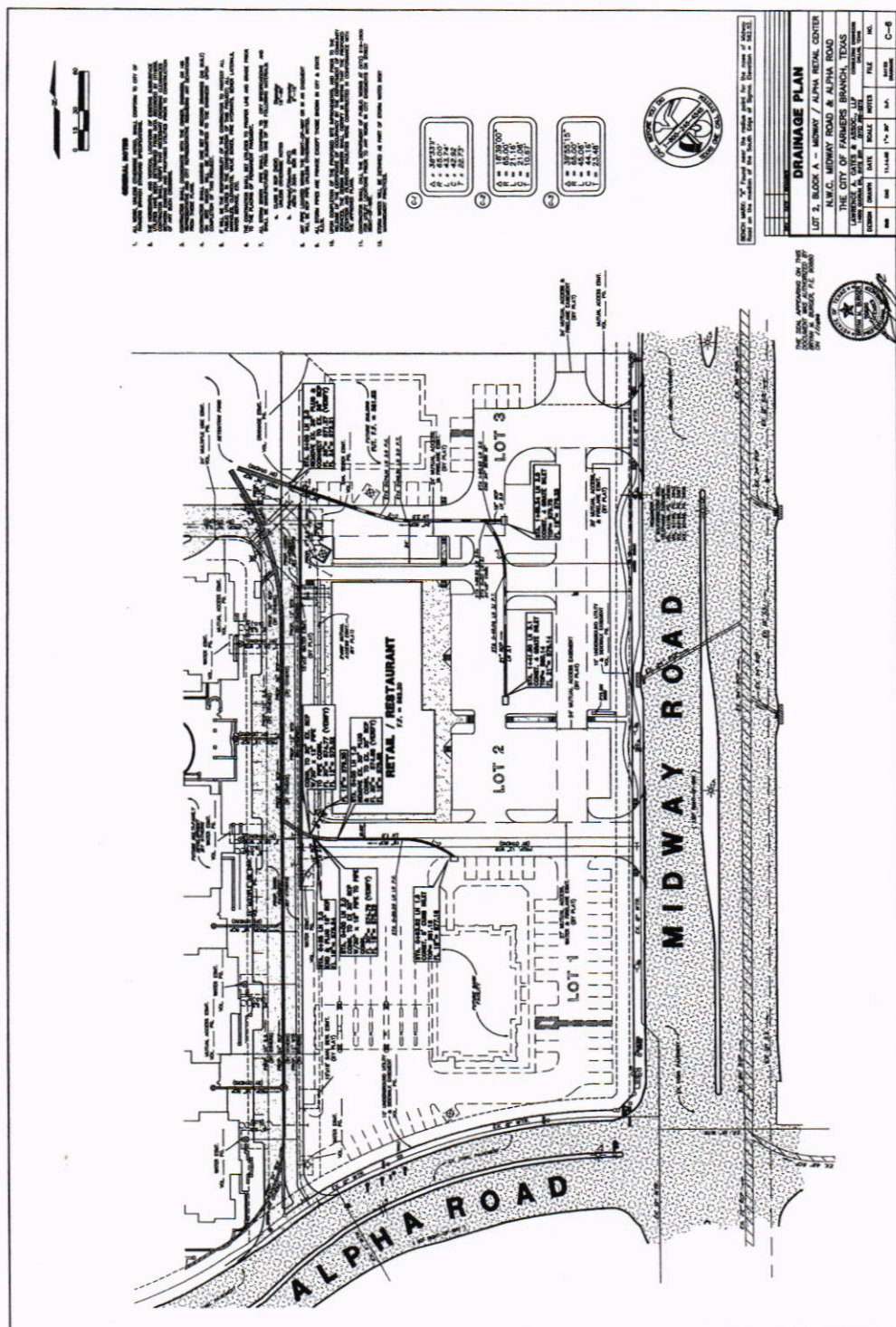
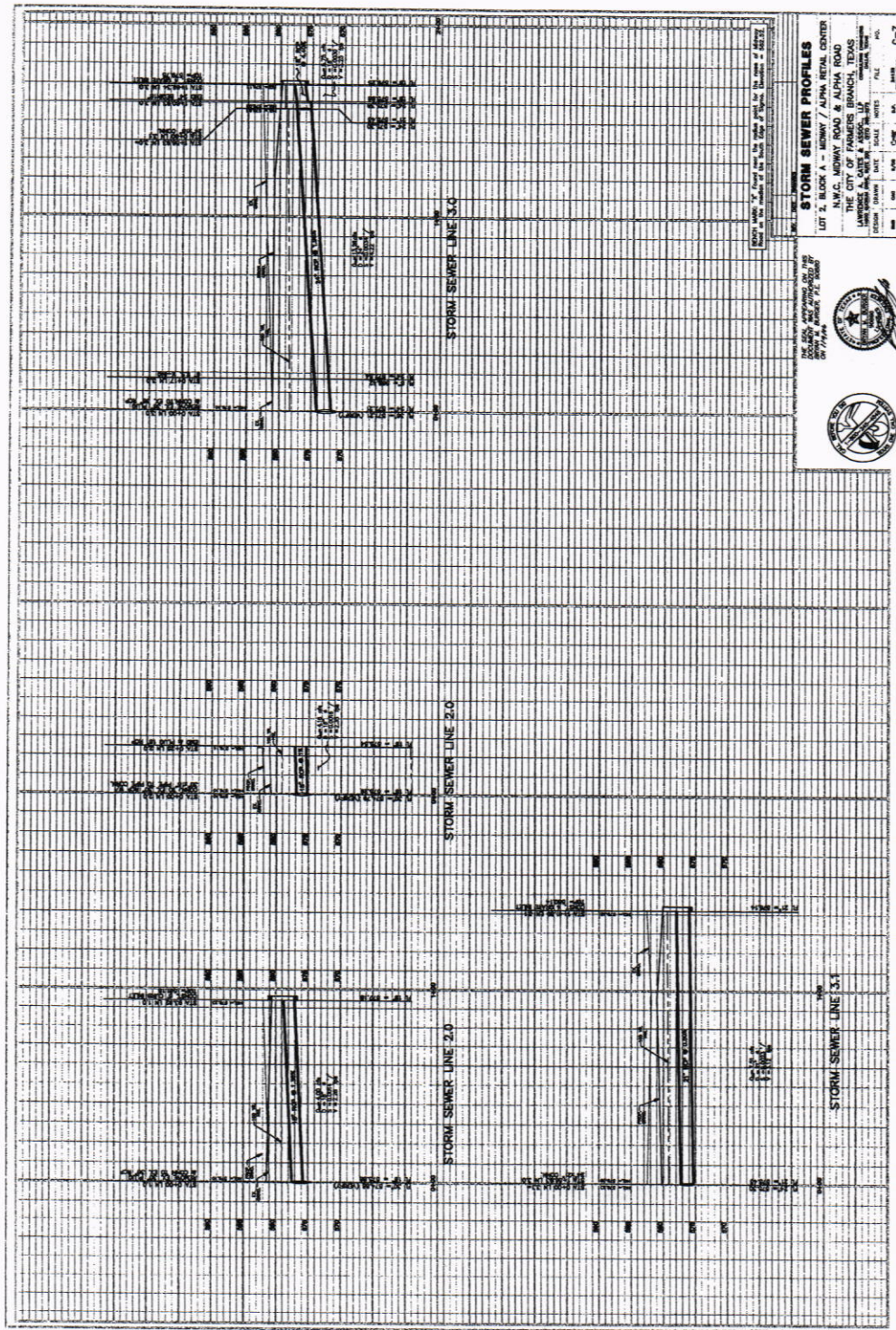
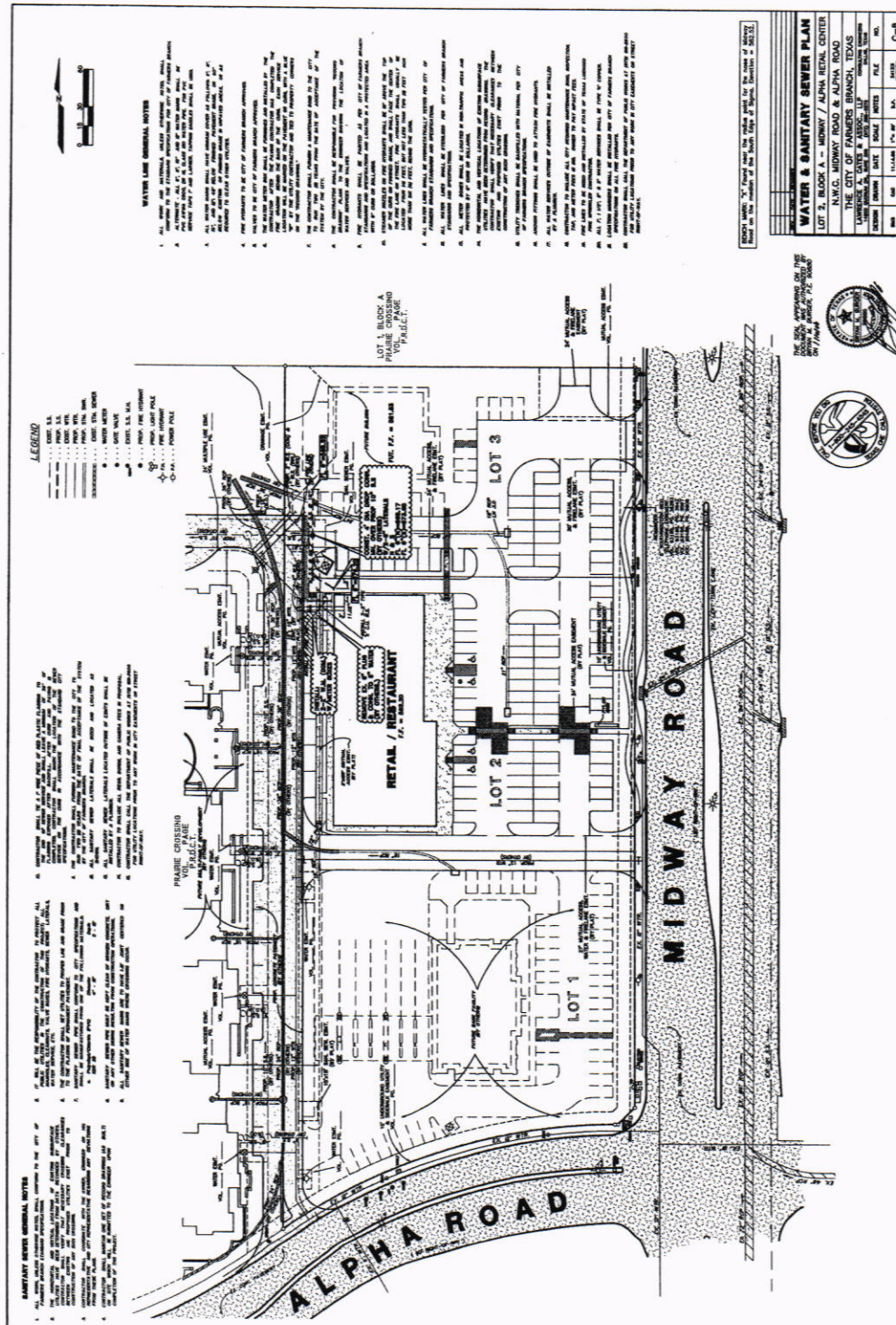
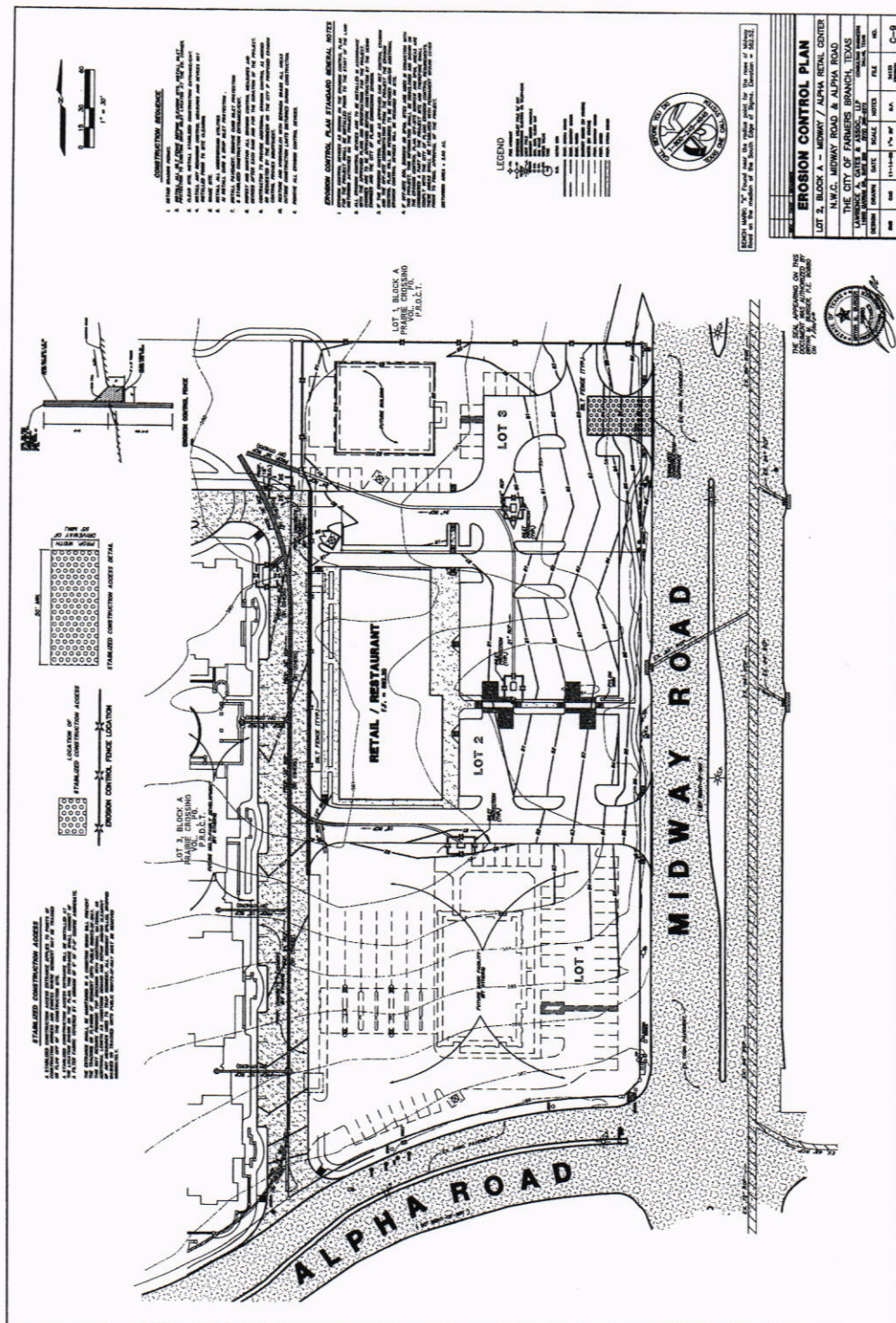


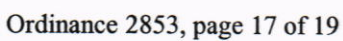
Exhibit C – Site Plan (continued)







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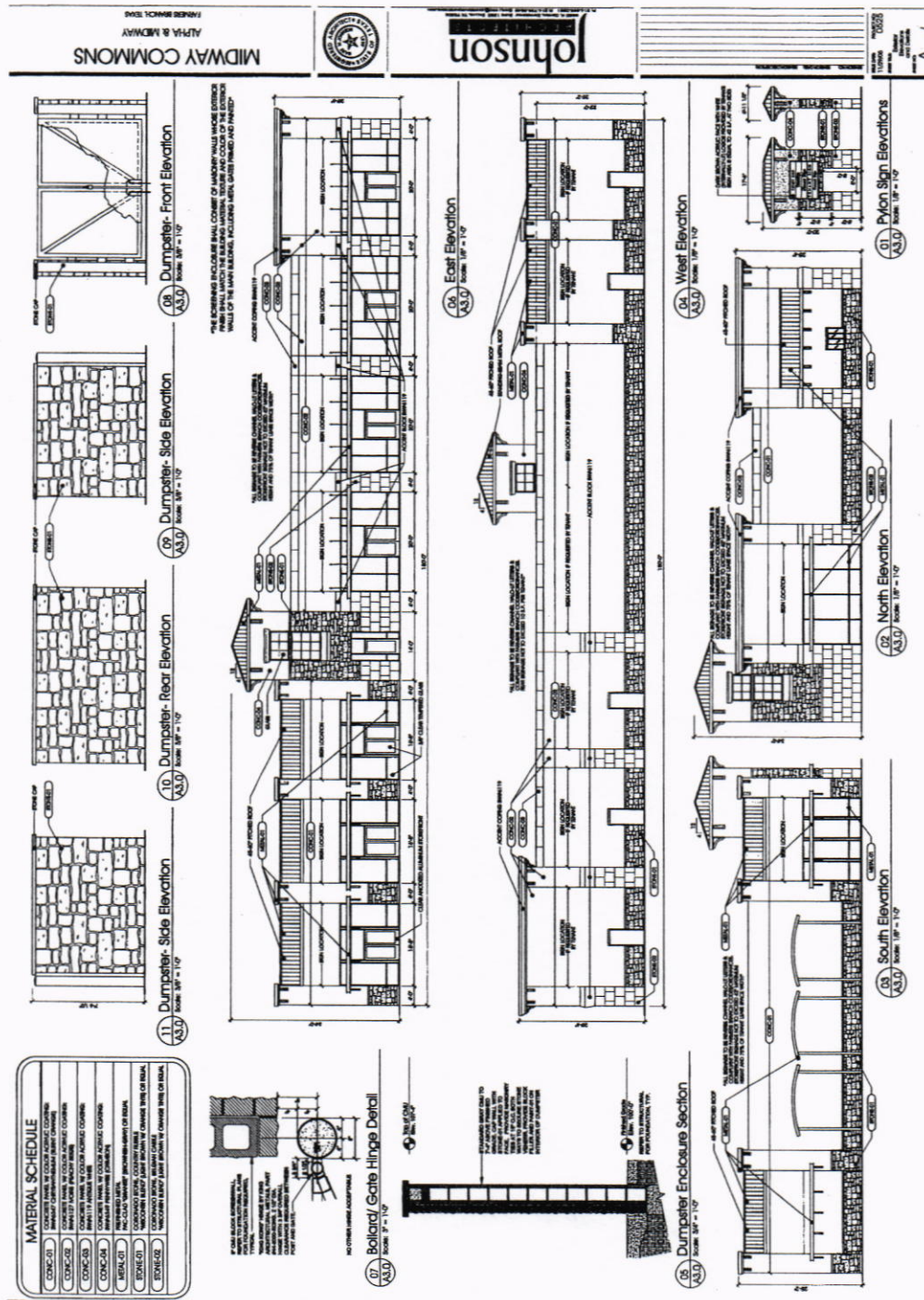


Exhibit C – Site Plan (continued)

